

## REMARKS

### Claim amendments

Claims 1, 5 and 9 have been amended to cancel the word "continuously" and claim 9 has been amended to cancel the recitation of a "vertically movable pick up head". Further, claims 1 and 5 have been amended to recite that "the braking process is initiated when the focusing error signal reaches a first checking point, and is performed for a predetermined period of time; and the waiting process is performed after the braking process, and is completed when the focusing error signal reaches a second checking point", and claim 9 has been amended to recite "performing a kicking process to determine a driving force in accordance with a kicking signal and the layer distance balancing signal; performing a holding process to determine the driving force in accordance with the layer distance balancing signal; performing a braking process for a predetermined period of time, to determine the driving force in accordance with a braking signal and the layer distance balancing signal, wherein the braking process is initiated when the focusing error signal reaches a first checking point; and performing a waiting process to determine the driving force in accordance with the layer distance balancing signal, after the braking process and until the focusing error signal reaches a second checking point". These amendments are supported by the application as filed, and in particular Fig. 3 and paragraphs [0033] and [0034] of the specification.

No new matter has been added.

### Rejection under 35 U.S.C 112

Claims 1-12 stand rejected under 35 U.S.C. 112, first paragraph, for reciting "a low pass filter for continuously receiving the focusing control signal" or "continuously sending the focusing control signal to the low pass filter", wherein the word "continuously" is deemed not to have been described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants strongly disagree, and respectfully note that the electrical schematic in Fig. 2, as originally filed, shows a continuous arrow from controller 130, which continuously produces the focusing control signal FC, to low pass

filter 140. Further, Fig. 2 clearly distinguishes continuous electrical connections, shown by continuous arrows, from switchable electrical connections such as comprising switch 160. Accordingly, Applicants submit that a fair reading of Fig. 2 reasonably conveys to one skilled in the art of electronics that the focusing signal is continuously provided to the low pass filter. However, in order to move the application to issue, Applicants have cancelled the word "continuously" from the claims. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection.

Rejection under 35 U.S.C 102

Claims 1-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,091,680 to Matsuda. The Applicants respectfully disagree.

Claim 1

Matsuda shows a layer jump control apparatus wherein a driving device 14 receives a braking signal and the layer distance balancing signal to determine the driving force when the optical drive performs the braking process; and wherein the braking process is initiated when a focusing error signal FE reaches a first checking point ("third zero crossing" ZC3 of Fig. 4, steps S6 & S7 of Fig. 3), and is performed until the focusing error signal FE reaches a second checking point ("fourth zero crossing" ZC4 of Fig. 4, steps S8 & S9 of Fig. 3). Matsuda fails to disclose or suggest that the braking process ends before the focusing error signal reaches a second checking point, and is followed by a waiting process, and in particular fails to disclose or suggest a braking process "*performed for a predetermined period of time*", wherein a "*waiting process is performed after the braking process, and is completed when the focusing error signal reaches a second checking point*", as recited in claim 1.

Accordingly, Applicants respectfully submit that claim 1 is patentable over Matsuda.

Claims 5 and 9

The above arguments with regard to claim 1 can be used to show that Matsuda fails to disclose or suggest an optical drive wherein "*the braking process is initiated when*

*the focusing error signal reaches a first checking point, and is performed for a predetermined period of time; and the waiting process is performed after the braking process, and is completed when the focusing error signal reaches a second checking point*" as recited in claim 5, or a method of controlling an optical drive with a low pass filter and comprising the step of *"performing a waiting process to determine the driving force in accordance with the layer distance balancing signal, after the braking process and until the focusing error signal reaches a second checking point"* as recited in claim 9, and submit that claims 5 and 9 are patentable over Matsuda.

Claims 2-4, 6-8 and 10-12

Claims 2-4 depend on claim 1, claims 6-8 depend on claim 9 and claims 10-12 depend on claim 9. The Applicants submit that claims 2-4, 6-8 and 10-12 are patentable over Matsuda at least in view of their dependency.

New claims

New claims 13 and 14 depend on claim 9, new claim 15 depends on claim 1 and new claim 16 depends on claim 5. The Applicants submit that claims 13-16 are patentable over Matsuda at least in view of their dependency on claims 9, 1 or 5.

\* \* \*

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

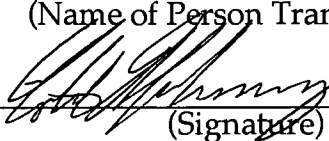
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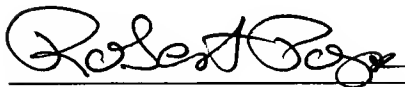


(Signature)

July 6, 2005

(Date)

Respectfully submitted,



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